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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

ALEXANDRIA DIVISION

MYRA FONTENOT

* CIVIL ACTION NO. 16-1151

VERSUS

* JUDGE JAMES T. TRIMBLE, JR.

CITY OF BUNKIE ET AL.

* MAG. JUDGE KAREN L. HAYES

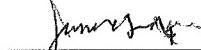
JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a de novo review of the record, finding that the Magistrate Judge's Report and Recommendation is correct,

IT IS ORDERED that the motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted, Fed.R.Civ.P. 12(b)(1), (6) [doc. # 14], filed by Defendants Mayor Mike Robertson, Brenda Sampson, Gregory Prudhomme, Lem Thomas II, Travis Armand, Clayton Henderson, and the City of Bunkie is GRANTED in part and DENIED in part. The motion is GRANTED to the extent that any cause of action under 42 U.S. § 1981 against any of the named defendants is hereby DISMISSED. Because the second amended complaint dismisses without prejudice Mayor Robertson and each member of the Board of Aldermen, the motion to dismiss is DENIED as moot leaving the only remaining defendants, the City of Bunkie and Chief Corner.

IT IS FURTHER ORDERED that any claims pursuant La. R.S. § 39:1311 are hereby DISMISSED with prejudice as this statute does not create a private right of action.

THUS DONE AND SIGNED in Alexandria, Louisiana, this 22nd day of February, 2017.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE